

Security 3
 10/11/78

STATINTL

The following is a copy of an unsigned memorandum prepared by Dr. [REDACTED] and delivered by hand to Mr. Kirkpatrick:

"In the process of traveling in connection with the JOT program I had opportunity to see many aspects of the work of CIA and found myself increasingly impressed with its high quality. A disturbing exception, however, was the working of the security regulations which seemed to me seriously defective. There is, of course, a permanent opposition between the ideal of security and the ideal of operation and I am by no means regretful that both sides of that opposition should be represented with equal vigor. But the necessary compromise, without which no activity is possible is imbedded in the regulations and these, it seems to me, are so drawn as to give the illusion of a system which should produce safety by rule without recognizing that no such system can be safer than the discretion of its members ensures. There were trivialities which I considered annoying and extravagant which were, however, of no particular importance to me; so far as my own procedure was concerned I never had any occasion to break any security regulation. But when I met experienced and valuable agents who said quite freely, 'If I observed security regulations I couldn't get anything done.' I concluded that there was something that deserved official attention. The infractions referred to were of this kind: e.g., a contact officer has a unique opportunity to get important information from a man about to learn the country whose clearance status he does not know. According to the regulation he may not talk to the man until he is informed of his clearance for which there is not time. He decides that the country's interest will be best served by ignoring the regulation and talking to the man. Many varieties of this situation might be cited but they all have a common pattern: the agent is not entitled to use his discretion, yet he must do so if his work is to be done. If the regulation is to be taken literally, then it is predetermined that in all such cases the risk outweighs the possible benefit and no maker of regulations is so clairvoyant as to be able to make that decision. If the regulation is not to be taken literally but really allows the agent to use his judgment, then it invites the agent to consider in every case whether his judgment supports a regulation or does not. That is we take the position (which seems to me the true one) that all security rests ultimately on the discretion of the personnel. But the circumstances force the individual to break the letter of the law, which may always be invoked against him. My own experience of discipline (of a very different kind) leads me to the conviction that rules that are chronically broken are worse than none. I should never have brought the matter up on the basis of a single instance or two, but I became aware that there was a general feeling that security regulations had to be interpreted

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in the light of the circumstances, and therewith a general feeling that Security was not wise enough to make regulations that did make sense. My view of this matter may well be quite erroneous but it has been strengthened by the inability of the Security officers to whom I have listened to make their case seem reasonable. On various occasions they have addressed the consultants with so thorough a misunderstanding of the nature of their audience as to cast great doubt on their judgment in general. Either the rules ought to be looked at carefully again to see whether they do deal with the realities of the Agency's operations, or someone in Security should be so trained as to be able to explain reasonably to reasonable men that the rules are right or necessary or both."